

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41174 of 2012**

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1. Harihar Tanti, son of Late Jawahar Tanti, resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  2. Manoj Tanti, son of Harihar Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  3. Sushil Kumar Tanti, son of Deodat Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  4. Ravi Shankar Roy@Doman Roy, son of Late Panchu Roy resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  5. Suresh Tanti @Suresh Prasad Tanti, son of Sridhar Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  6. Sanjay Tanti, son of Jaldhar Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  7. Naresh Tanti, son of Sridhar Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  8. Bal Kishore Tanti, son of Sridhar Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  9. Karu Tantu @ Aroon Tanti, son of Sitaram Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  10. Sadan Barnwal, son of Late Ramfal Barnwal, resident of Village and P.S.Katoria, District-Banka.
  11. Rahul Kumar @ Rahul Darshan @Chotu, son of Bijay Barnwal resident of Village and P.S.Katoria, District-Banka.
  12. Balanand Tanti, son of Krishna Deo Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.
  13. Vakil Tanti, son of Deodat Tanti resident of Village-Darvepatti,P.S-Katoria,District-Banka.

.... .... Petitioner/s

Versus

1. The State Of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satya Veer, Advocate.

For the Opposite Party/s : Mr. J.K. Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**  
**ORAL ORDER**

2      20-03-2015

The present application has been filed for quashing the cognizance order dated 16.06.2012 passed by the learned Chief Judicial Magistrate, Banka, in Katoria P.S. Case No. 252 of 2009, G.R. No. 1988 of 2009 for the offence

alleged under Sections 147, 149, 435 and 427 of the Indian Penal Code.

2. It is submitted that the petitioners have been falsely implicated which stands fortified by the very fact that after due investigation the police submitted final form exonerating the petitioners on the ground that there was no chance of identification of the accused.

3. A perusal of the impugned order of cognizance however discloses the same has been passed after taking into consideration the materials on record as well as several paragraphs of the case diary thereafter a prima facie case has been found against the petitioners.

4. In the above view of the matter, this Court is not inclined to entertain the application. Accordingly, the petition stands dismissed.

5. The petitioners shall be at liberty to raise all the points at the time of framing of charge.

**(Vikash Jain, J)**

Md. Ibrarul/-

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